

Section 6 AMENDMENT PROCESS

PREAMBLE

This Section of the Land Use Bylaw outlines the requirements and procedures for amending the Land Use Bylaw. This Section is drafted in accordance with the provisions of the *Municipal Government Act* which supersedes and regulates what a Land Use Bylaw can or cannot address.

Note: The text contained within this grey box does not form a part of the Land Use Bylaw and is only provided as context for the reader.

6.1. Procedures for Amendments

1. Any person may apply to amend this Bylaw by making an application for a site-specific or textual amendment and submitting it to the Planning and Development Department for processing and referral to Council. Notwithstanding, for a site-specific amendment, a signed authorization of the registered owners(s) consenting to the application for amendment shall be required.
2. All amendments to this Bylaw shall be made by Council by Bylaw and in conformance with the Act.
3. Upon receipt of a complete application to amend this Bylaw, the Approving Authority shall determine when the application will be placed before Council and shall issue not less than fifteen (15) days notice to the applicant advising that he/she may appear before Council to speak to the application. An application to amend this Bylaw shall be placed before Council upon receiving the application and deeming it complete as prescribed in Subsection 6.2.
4. Notwithstanding 6.1.3 an applicant may request that an application proceed to first reading. In the event that the file review is not completed, the application shall be recommended for refusal.

6.2. Contents of an Amendment Application

1. An application for redesignation shall be made in writing to the Approving Authority using the appropriate form provided by the County, and should include all initial application requirements according to Table 6.2-1.

Table 6.2-1: Initial Application Requirements – Bylaw Amendment

INITIAL REQUIREMENTS
Complete Application Fee
Completed and Originally Signed Application Form
Certificate of Title less than 30 days old
Confirmation of Signing Authority (if applicable)
Agent Authorization
Dimensioned and Detailed Site Sketch

6.3. Supplementary Requirements for an Amendment Application

1. In addition to the application requirements in Subsection 6.2., the County may require other information deemed necessary to properly evaluate the application which may include the following:
 - a) a statement describing how the Municipal Development Plan, any Area Structure Plans, Inter-Municipal Development Plan and other relevant statutory and non-statutory plans affecting the application and this Bylaw have been considered;
 - b) any technical studies as prescribed in Appendix A.
2. Council may, by resolution, waive or refund part or the entire application fee.
3. Where the proposed amendment is for a change in text and no land is specifically affected, the requirements of Subsection 6.2 shall be applied as applicable.

6.4. Amendment Review

1. Council may, after due consideration of an application, give first reading to a Bylaw to amend this Bylaw or defeat first reading if a file review is not completed.
2. Council may, on its own initiative, initiate an amendment to this Bylaw.
3. Should first reading be given to a Bylaw to amend this Bylaw, Council shall
 - a) establish the date, time and place for a Public Hearing on the proposed Bylaw;
 - b) outline the procedure to be followed by anyone wishing to be heard at the Public Hearing; and
 - c) outline the procedure by which the Public Hearing will be conducted.

6.5. Advertising Requirements

1. On first reading being given to a Bylaw to amend this Bylaw the County shall
 - a) arrange for notice of the public hearing to be published in two (2) issues of a newspaper circulating in the County, the publication date of the second issue being not less than five (5) days prior to the commencement of the public hearing; and
 - b) provide notice to
 - (i) the applicant;
 - (ii) the assessed owner(s) of the land if not the applicant, the registered owner(s) of adjacent land if the proposed Bylaw provides for a change of district, and if adjacent land is in another Municipality, notice to that Municipality; and
 - (iii) any other authorities who, in the opinion of the Approving Authority, may be affected.
2. The notice of the public hearing shall contain the following information: